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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,372	04/15/2005	Hakan Andersson	027651-268	6210

21839 7590 01/24/2006

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EXAMINER

LEUNG, PHILIP H

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/531,372

Applicant(s)

ANDERSSON, HAKAN

Examiner

Philip H. Leung

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-15-2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The drawings filed 4-15-2005 are acceptable.
2. It is noted that a copy of all four foreign references cited in the IDS filed 4-15-2005 is not included. It is therefore respectfully requested the same be submitted in order to complete the file.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gagliardi (US 3,725,630).

Gagliardi shows a device for manufacturing packages (see col. 1, lines 3-6), comprising induction heating means (10) including at least two conductors (12, 13) extending along each other and being arranged to be connected to a current supply means wherein the conductors are arranged to conduct an inducing current in opposite directions (see Figures 1-3 and col. 1, line 60 – col. 2, line 59). In regard to claim 12, the limitation “is arranged to seal ..... intersecting each other” is only a statement of intended use without any additional structure different from Gagliardi.

Art Unit: 3742

5. Claims 11 and 12 are further rejected under 35 U.S.C. 102(b) as being anticipated by Ishibashi et al (US 4,340,801).

Ishibashi shows a device for manufacturing packages (see col. 1, lines 9-22), comprising induction heating means (1) including at least two conductors (7) extending along each other and being arranged to be connected to a current supply means wherein the conductors are arranged to conduct an inducing current in opposite directions (see Figure 3, col. 2, lines 56-60 and col. 3, line 67 – col. 4, line 17). Again, in regard to claim 12, the limitation “is arranged to seal ..... intersecting each other” is only a statement of intended use without any additional structure different from Ishibashi.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being obvious over Norden Pac (SE 502829) (cited by the applicant), in view of Gagliardi (US 3,725,630) or Ishibashi et al (US 4,340,801).

As set forth in the PCT report, Norden Pac shows that a method for manufacturing packages according to the preamble of claim 1 is known. The first package part (11, 82) in the application corresponds to the case (1) in Norden Pac and the second package part (12, 82) in the application corresponds to the bottom (3) in Norden Pac (see figure 1). The case comprises a

Art Unit: 3742

thermoplastic coated material which also includes a heatable aluminum foil. The case and the bottom are joined together with the help of two coils arranged alongside each other and along the joint area. These coils each produce a current, the two currents are conducted in opposite direction to each other, heat is generated in the aluminum foil in the packaging material and the thermoplastic material is thus melted and forms the joint between the case and the bottom. The only thing that differs between the invention according to claim 1 and Norden Pac is that the induction arrangement according to the invention comprises two conductors. Through these conductors an inducing current is fed in order to seal the package. In Norden Pac, the sealing is carried out with two separate coils (6 and 7). Gagliardi shows a device for manufacturing packages (see col. 1, lines 3-6), comprising induction heating means (10) including at least two conductors (12, 13) extending along each other and being arranged to be connected to a current supply means wherein the conductors are arranged to conduct an inducing current in opposite directions (see Figures 1-3 and col. 1, line 60 – col. 2, line 59). Also, Ishibashi shows a device for manufacturing packages (see col. 1, lines 9-22), comprising induction heating means (1) including at least two conductors (7) extending along each other and being arranged to be connected to a current supply means wherein the conductors are arranged to conduct an inducing current in opposite directions (see Figure 3, col. 2, lines 56-60 and col. 3, line 67 – col. 4, line 17). It would have been obvious to an ordinary skill in the art at the time of invention to modify Norden Pac to replace the two separate induction coils with a single coil having two conductors extending along each other with opposite current flows for better heat sealing effect, in view of the teaching of Gagliardi or Ishibashi. The exact location and arrangement of the coil conductors would have been a matter of engineering expediency depending on the exact shape and joint


Art Unit: 3742

locations of the package to be heat-sealed and obvious to an ordinary skill in the art following the teaching of these references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782. The examiner can normally be reached on flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Philip H Leung  
Primary Examiner  
Art Unit 3742

P.Leung/pl  
1-18-2006